

**ASSEMBLY BILL**

**No. 379**

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**Introduced by Assembly Member Brown**

February 14, 2013

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An act to amend Section 18551 of the Health and Safety Code, relating to manufactured housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 379, as introduced, Brown. Manufactured housing: removal.

Existing law requires the installation of a manufactured home, mobilehome, or commercial modular as a fixture or improvement to real property to comply with specified provisions. Existing law provides that once installed on a foundation system in compliance with these provisions, it shall be deemed a fixture and a real property improvement to the real property to which it is affixed and physical removal of the manufactured home, mobilehome, or commercial modular shall thereafter be prohibited without the consent of all persons or entities who, at the time of removal, have title to any estate or interest in the real property to which it is affixed. Existing law also requires the owner, at least 30 days prior to a legal removal of the manufactured home, mobilehome, or commercial modular from the foundation system and transportation away from the real property to which it was formerly affixed, to notify the Department of Housing and Community Development and the county assessor of the intended removal.

The bill would also make other technical, nonsubstantive changes.

This bill would instead require the manufactured home, mobilehome, or commercial modular owner to notify the department and the county assessor of the intended removal at least 31 days prior to the removal.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 18551 of the Health and Safety Code is  
2 amended to read:

3 18551. The department shall establish regulations for  
4 manufactured home, mobilehome, and commercial modular  
5 foundation systems that shall be applicable throughout the state.  
6 When established, these regulations supersede any ordinance  
7 enacted by any city, county, or city and county applicable to  
8 manufactured home, mobilehome, and commercial modular  
9 foundation systems. The department may approve alternate  
10 foundation systems to those provided by regulation ~~where~~ *if* the  
11 department is satisfied of equivalent performance. The department  
12 shall document approval of alternate systems by its stamp of  
13 approval on the plans and specifications for the alternate foundation  
14 system. A manufactured home, mobilehome, or commercial  
15 modular may be installed on a foundation system as either a fixture  
16 or improvement to the real property, in accordance with subdivision  
17 (a), or a manufactured home or mobilehome may be installed on  
18 a foundation system as a chattel, in accordance with subdivision  
19 (b).

20 (a) Installation of a manufactured home, mobilehome, or  
21 commercial modular as a fixture or improvement to the real  
22 property shall comply with all of the following:

23 (1) Prior to installation of a manufactured home, mobilehome,  
24 or commercial modular on a foundation system, the manufactured  
25 home, mobilehome, or commercial modular owner or a licensed  
26 contractor shall obtain a building permit from the appropriate  
27 enforcement agency. To obtain a permit, the owner or contractor  
28 shall provide the following:

29 (A) Written evidence acceptable to the enforcement agency that  
30 the manufactured home, mobilehome, or commercial modular  
31 owner owns, holds title to, or is purchasing the real property where  
32 the mobilehome is to be installed on a foundation system. A lease  
33 held by the manufactured home, mobilehome, or commercial  
34 modular owner, that is transferable, for the exclusive use of the  
35 real property where the manufactured home, mobilehome, or

1 commercial modular is to be installed, shall be deemed to comply  
2 with this paragraph if the lease is for a term of 35 years or more,  
3 or if less than 35 years, for a term mutually agreed upon by the  
4 lessor and lessee, and the term of the lease is not revocable at the  
5 discretion of the lessor except for cause, as described in  
6 subdivisions 2 to 5, inclusive, of Section 1161 of the Code of Civil  
7 Procedure.

8 (B) Written evidence acceptable to the enforcement agency that  
9 the registered owner owns the manufactured home, mobilehome,  
10 or commercial modular free of any liens or encumbrances or, in  
11 the event that the legal owner is not the registered owner, or liens  
12 and encumbrances exist on the manufactured home, mobilehome,  
13 or commercial modular, written evidence provided by the legal  
14 owner and any lienors or encumbrancers that the legal owner,  
15 lienor, or encumbrancer consents to the attachment of the  
16 manufactured home, mobilehome, or commercial modular upon  
17 the discharge of any personal lien, that may be conditioned upon  
18 the satisfaction by the registered owner of the obligation secured  
19 by the lien.

20 (C) Plans and specifications required by department regulations  
21 or a department-approved alternate for the manufactured home,  
22 mobilehome, or commercial modular foundation system.

23 (D) The manufactured home, mobilehome, or commercial  
24 modular manufacturer's installation instructions, or plans and  
25 specifications signed by a California licensed architect or engineer  
26 covering the installation of an individual manufactured home,  
27 mobilehome, or commercial modular in the absence of the  
28 manufactured home, mobilehome, or commercial modular  
29 manufacturer's instructions.

30 (E) Building permit fees established by ordinance or regulation  
31 of the appropriate enforcement agency.

32 (F) A fee payable to the department in the amount of eleven  
33 dollars (\$11) for each transportable section of the manufactured  
34 home, mobilehome, or commercial modular, that shall be  
35 transmitted to the department at the time the certificate of  
36 occupancy is issued with a copy of the building permit and any  
37 other information concerning the manufactured home, mobilehome,  
38 or commercial modular ~~which~~ *that* the department may prescribe  
39 on forms provided by the department.

(2) (A) On the same day that the certificate of occupancy for the manufactured home, mobilehome, or commercial modular is issued by the appropriate enforcement agency, the enforcement agency shall record with the county recorder of the county where the real property is situated, that the manufactured home, mobilehome, or commercial modular has been installed upon, a document naming the owner of the real property, describing the real property with certainty, and stating that a manufactured home, mobilehome, or commercial modular has been affixed to that real property by installation on a foundation system pursuant to this subdivision.

(B) When recorded, the document referred to in subparagraph (A) shall be indexed by the county recorder to the named owner and shall be deemed to give constructive notice as to its contents to all persons thereafter dealing with the real property.

(C) Fees received by the department pursuant to subparagraph (F) of paragraph (1) shall be deposited in the Mobilehome-Manufactured Home Revolving Fund established under subdivision (a) of Section 18016.5.

(3) The department shall adopt regulations providing for the cancellation of registration of a manufactured home, mobilehome, or commercial modular that is permanently attached to the ground on a foundation system pursuant to subdivision (a). The regulations shall provide for the surrender to the department of the certificate of title and other indicia of registration. For the purposes of this subdivision, permanent affixation to a foundation system shall be deemed to have occurred on the day a certificate of occupancy is issued to the manufactured home, mobilehome, or commercial modular owner and the document referred to in subparagraph (A) of paragraph (2) is recorded. Cancellation shall be effective as of that date and the department shall enter the cancellation on its records upon receipt of a copy of the certificate of occupancy. This subdivision shall not be construed to affect the application of existing laws, or the department's regulations or procedures with regard to the cancellation of registration, except as to the requirement therefor and the effective date thereof.

(4) Once installed on a foundation system in compliance with this subdivision, a manufactured home, mobilehome, or commercial modular shall be deemed a fixture and a real property improvement to the real property to which it is affixed. Physical removal of the

1 manufactured home, mobilehome, or commercial modular shall  
2 thereafter be prohibited without the consent of all persons or  
3 entities who, at the time of removal, have title to any estate or  
4 interest in the real property to which the manufactured home,  
5 mobilehome, or commercial modular is affixed.

6 (5) For the purposes of this subdivision:

7 (A) "Physical removal" shall include, without limitation, the  
8 unattaching of the manufactured home, mobilehome, or commercial  
9 modular from the foundation system, except for temporary  
10 purposes of repair or improvement thereto.

11 (B) Consent to removal shall not be required from the owners  
12 of rights-of-way or easements or the owners of subsurface rights  
13 or interests in or to minerals, including, but not limited to, oil, gas,  
14 or other hydrocarbon substances.

15 (6) At least ~~30~~ 31 days prior to a legal removal of the  
16 manufactured home, mobilehome, or commercial modular from  
17 the foundation system and transportation away from the real  
18 property to which it was formerly affixed, the manufactured home,  
19 mobilehome, or commercial modular owner shall notify the  
20 department and the county assessor of the intended removal of the  
21 manufactured home, mobilehome, or commercial modular. The  
22 department shall require written evidence that the necessary  
23 consents have been obtained pursuant to this section and shall  
24 require application for either a transportation permit or  
25 manufactured home, mobilehome, or commercial modular  
26 registration, as the department may decide is appropriate to the  
27 circumstances. Immediately upon removal, as defined in this  
28 section, the manufactured home, mobilehome, or commercial  
29 modular shall be deemed to have become personal property and  
30 subject to all laws governing the same as applicable to a  
31 manufactured home, mobilehome, or commercial modular.

32 (b) The installation of a manufactured home or a mobilehome  
33 on a foundation system as chattel shall be in accordance with  
34 Section 18613 and shall be deemed to meet or exceed the  
35 requirements of Section 18613.4. This subdivision shall not be  
36 construed to affect the application of sales and use or property  
37 taxes. No provisions of this subdivision are intended, nor shall  
38 they be construed, to affect the ownership interest of any owner  
39 of a manufactured home or mobilehome.

1 (c) Once installed on a foundation system, a manufactured home,  
2 mobilehome, or commercial modular shall be subject to state  
3 enforced health and safety standards for manufactured homes,  
4 mobilehomes, or commercial modulares enforced pursuant to  
5 Section 18020.

6 (d) No local agency shall require that any manufactured home,  
7 mobilehome, or commercial modular currently on private property  
8 be placed on a foundation system.

9 (e) No local agency shall require that any manufactured home  
10 or mobilehome located in a mobilehome park be placed on a  
11 foundation system.

12 (f) No local agency shall require, as a condition for the approval  
13 of the conversion of a rental mobilehome park to a resident-owned  
14 park, including, but not limited to, a subdivision, cooperative, or  
15 condominium for mobilehomes, that any manufactured home or  
16 mobilehome located there be placed on a foundation system. This  
17 subdivision shall only apply to the conversion of a rental  
18 mobilehome park that has been operated as a rental mobilehome  
19 park for a minimum period of five years.